

REMARKS

In the final Office action dated October 29, 2003, the drawings were objected to on the basis that the elected species (FIG. 22(b)) does not show the "flat bulbous tails embody a continuous surface that has a second width greater than the first width." The Examiner then required a proposed drawing correction in reply to the Office action to avoid abandonment of the application. It is respectfully submitted, however, that FIG. 22(b) does indeed depict a flattened bulbous tail embodying a continuous surface that has a second width greater than a first width of the struts defining a plurality of cells. That is, according to the specification at page 27, ln. 16 et seq. and FIG. 22(b), the depicted stent 120 includes flattened bulbous tails 122. Since the term "width" has been defined in the present application (See for example, pg. 15 of the specification) as being a circumferential dimension, the flattened bulbous tails depicted in FIG. 22(b) are clearly shown to have a greater width than the struts defining the cells 126 of the stent 120. As such, it is believed that no correction is required to the drawings.

Additionally, in the outstanding Office action, claims 16-20 and 23 appear to be rejected under either 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) in view of the Edoga reference (U.S. 5,746,766). In rejecting the claims, the Examiner relied upon FIG. 16 of Edoga and flattened bulbous tails were said to be found in the looped apices 609, 611. Although the Examiner recognized that apices 609 and 611 do not embody a continuous surface that has a second width greater than the first width, it was concluded that it would have been an obvious matter of design choice to modify the width of such structure since a modification would have involved a mere change in the size of the component. It is respectfully submitted, however, that one of ordinary skill in the art would not have made the looped apices 609, 611 of Edoga to embody a continuous surface that has a width greater than the width of struts defining a stent. According to Edoga at Col. 14, lns. 31-43, the loop-like apices 609, 611 of Edoga were incorporated into the

disclosed stent to allow for the elimination or minimization of metal fatigue or stress "particularly when compared to stents which may be formed with hard corners." Accordingly, if the apices 609, 611 of the Edoga stent were modified to include a continuous surface as is recited in the pending claims, such a modification would have the effect of providing the Edoga stent with the "hard corners" that it seeks to avoid.

It remains the Applicants' position that Edoga simply does not teach flattened bulbous tails, but rather, Edoga relies upon looped apices. Therefore, it is respectfully submitted that the pending claims define subject matter which is patentable over the cited art.

CONCLUSION

Applicants have attempted to completely respond to the rejections set forth in the outstanding Office action. In view of the above amendments and remarks, Applicant respectfully request that the application be reconsidered, the claims allowed and the application passed to issue.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: _____

John V. Hanley

Registration No. 38,171

JVH/kst
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201
35787.1